

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

MICHAEL LAPHAM,

Plaintiff,

Case No. 5:19-cv-579-MMH-PRL

vs.

FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION and
SOUTHWEST FLORIDA WATER
MANAGEMENT DISTRICT,

Defendants.

_____/

ORDER

THIS CAUSE is before the Court on Magistrate Judge Philip R. Lammens' Report and Recommendation (Doc. 121; Report), entered on November 3, 2021, recommending that Defendant Florida Fish and Wildlife Conservation Commission's Opposed Motion to Tax Costs and Supporting Memorandum of Law (Doc. 118; Motion) and supporting Bill of Costs (Doc. 116) be granted in part and denied in part. See Report at 6. Specifically, Judge Lammens recommends that the Court grant the Motion only to the extent that it award Florida Fish and Wildlife Conservation Commission \$3,883.70 in taxable costs. Id. To date, no objections to the Report have been filed, and the time for doing so has passed.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b). If no specific objections to findings of fact are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993); see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de novo. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); United States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615 at *1 (M.D. Fla. May 14, 2007).

Upon independent review of the file and for the reasons stated in the Magistrate Judge’s Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge, with one minor clarification.¹

Accordingly, it is hereby **ORDERED**:

1. Magistrate Judge Philip R. Lammens’ Report and Recommendation (Doc. 121) as clarified is **ADOPTED** as the opinion of the Court.

¹ The Report cites Brown v. Riedl, No. 3:13-CV-36-J-34PDB, 2017 WL 9360887, at *3 (M.D. Fla. Jan. 18, 2017), report and recommendation adopted in part, No. 3:13-CV-36-J-34PDB, 2017 WL 1161306 (M.D. Fla. Mar. 29, 2017), for the proposition that “court reporter’s deposition fees are not taxable” costs. Report at 4, n.3. The report and recommendation in that case did recommend a finding that such fees are not taxable. In adopting the report and recommendation, however, the Court noted that the defendant did not object to the recommended exclusion of the court reporter appearance fee. As such, the Court determined that such costs would not be taxed in that case, but declined to adopt “the portion of the Report determining that such costs are not taxable as a matter of law.” Brown, No. 3:13-CV-36-J-34PDB, 2017 WL 1161306, at *3, n. 4.

2. Defendant Florida Fish and Wildlife Conservation Commission's Opposed Motion to Tax Costs and Supporting Memorandum of Law (Doc. 118) is **GRANTED, in part, and DENIED, in part.**

a. The Motion is **GRANTED** to the extent that the Clerk of the Court is **DIRECTED** to tax costs in the amount of \$3,883.70 in favor of Florida Fish and Wildlife Conservation Commission and against Plaintiff Michael Lapham, adjust Florida Fish and Wildlife Conservation Commission's Bill of Costs (Doc. 116) as stated in the Report, and enter judgment accordingly.

b. Otherwise, the Motion is **DENIED.**

DONE AND ORDERED in Chambers, on March 29, 2022.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record